

S.C.

Notice of Allowability	Application No.	Applicant(s)
	09/912,219	KERSHMAN ET AL.
	Examiner Lien T Tran	Art Unit 1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amdt. filed 7/1/04.
2. The allowed claim(s) is/are 1-2,4-17,19-20,22-23,26,48-49, 59 (renumber 1-24).
3. The drawings filed on 25 July 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 21 July 04
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steve Shear on 7/21/04.

The application has been amended as follows:

In The Claims:

In claim 1: Line 5: please delete the phrase " to achieve an elevated temperature of". Line 6, please delete the phrase " the filling". Line 8, please insert the phrase --- wherein said lipid mixture comprises hard butter, maltodextrin and additional solids dispersed in the lipid mixture --- after the word " surfaces". Line 10, please change " cooking" to --- grilling ---. Line 14, please delete the phrase " sufficient to cause". Line 15, please delete the phrase " said filling to rise to said elevated temperature".

In claim 9: Line 2, please change " steps" to --- step ---. Please delete line 3.

Please cancel claim 18.

In claim 20: Line 1, please change " steps" to --- step ---; please delete the phrase " prior to said". Please delete line 2. Line 3, please delete the phrase " surfaces, and"; please insert the word --- of --- before " prior". Line 4, please change " said " to --- a---.

In claim 23: Line 1, please change " steps" to --- step---; please delete the phrase " prior to said". Line 2, please delete " coating step, of grilling said food product to provide a desired appearance, and" ; please insert --- of – before " formulating". Line 3, please change " said " to --- a ---.

Please cancel claims 24-25.

In claim 26: Line 1, please change " 25" to --- 19 ---; please change " steps" to --- step---; please delete " prior to said ". Line 2, please delete " coating step, of grilling said food product to provide a desired appearance, and"; please insert --- of --- before " preparing". Line 3, please change " said" to --- a---.

Please cancel claims 27, 29-45,47.

In claim 48: Line 6, " a hard" to --- said hard---.

In claim 49: Line 2, please delete the word " approximately".

Please cancel claims 50-58, 60.

The following is an examiner's statement of reasons for allowance: while the prior art teaches to coat the outer surface of the farinaceous layer with butter, there is no teaching of using hard butter in combination with maltodextrin and additional solid.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T Tran whose telephone number is 571-272-1408.

The examiner can normally be reached on Tuesday, Wednesday and Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 21, 2004


LIEN TRAN
PRIMARY EXAMINER


Group 1707